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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,850	12/01/2003	Yong-Moon Seon	5000-1-096 CON	2178
33942	7590	02/17/2006	EXAMINER	
CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652			PAN, YUWEN	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,850

Applicant(s)

SEON, YONG-MOON

Examiner

Yuwen Pan

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawahashi et al (US005590409A) in view of Amezawa et al (US005455967A) and further view of Park et al (US005912884A).

With respect to claim 1, Sawahashi et al disclose calculating a noise power of the base station; measuring a total receiving power of the base station; calculating a cell loading factor of the base station using a ratio of the noise power to the total receiving power (see figure 4 and items S1, column 5 line 61-column 6 line 7); comparing the calculated cell loading factor of the base station with a predetermined threshold for call restriction (see figure 4 and items S2, column 5 line 61-column 6 line 7). Sawahashi et al do not disclose restricting an incoming call to the base station according to the comparison result. Amezawa et al disclose a way of restricting incoming calls by reduce the size of over area in a cell (see figure 1C, column 4 and line 43-57). It would have been obvious to one of ordinary skill in the art at the time then invention was made to combine the teaching of Amezawa et al with Sawahashi et al's system, such that communication quality is well controlled by limiting the number of reversed calls, thereby improving efficiency of the system (see column 4 and line 48-49).

Combination of Sawahashi and Amezawa doesn't expressly teach that restricting the incoming call without restricting already established calls. Park teaches that after the size of an overload cell is reduced, the on going calls are handed over to the neighbor cells in which doesn't reach the maximum capacity of load (see abstract, figure 4 and column 1 and lines 48-67). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Park with the combination of Sawahashi and Amezawa such that the on going calls would not be dropped and maintain the quality of services.

With respect to claim 2, Amezawa et al further disclose measuring the receiving power of the base station at each of predetermined interval of time in the base station; and determining the measured receiving power of the base station as the noise power of the base station (see column 2 and line 66- column 3 and line 3). Although, Amezawa et al's reference do not explicitly teach that the measuring is taken during no call time, it would have been obviously to measure the receive power as noise floor/basis during non-communication period. Clearly, the received power during non-communication period would be a more accurate means of establishing the noise floor in order to obtain a more accurate signal power to noise ratio.


Conclusion

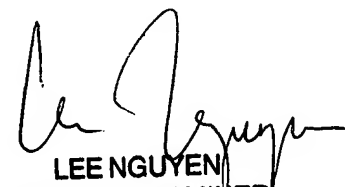
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
February 6, 2006


LEE NGUYEN
PRIMARY EXAMINER